

& Minutes

mates Committee is (Ninth Lok Sabha) on Action taken by Government on the recommendations contained in the Eighty-Third Report of the Committee (Eighth Lok Sabha) on Ministry of Information and Broadcasting - Films Division.

13.28 hrs.

COMMITTEE ON PUBLIC UNDERTAKINGS

Third, Fourth and Fifth Reports and minutes

[English]

SHRIBASUDEBACHARIA (Bankura):

Sir, I beg to present the following Report and Minutes (Hindi and English versions) of the Committee on Public Undertakings:-

(1) Third Report on Tea Trading Corporation of India Limited Setting up of a Joint Venture Company, Export Contracts and Irregular Payment of Advances and Minutes of the sittings of the Committee relating thereto.

(2) Fourth Report on National Textile Corporation Limited-(a) Avoidable payment of commission of Rs. 148.80 lakhs due to appointment of agents for supplies to defence and other Government Departments; and (b) Avoidable unproductive expenditure of Rs. 1.41 crores due to shut down of boilers in Ajudhia Textile Mills of N.T.C. (DP&R) Limited and Minutes of the sittings of the Committee relating thereto.

(3) Fifth Report on Hindustan Fertilizer Corporation Limited and Minutes of the sittings of the Committee relating thereto.

13.29 hrs.

COMMITTEE ON OFFICIAL LANGUAGE

[Translation]

THE DEPUTY MINISTER IN THE MINISTRY OF HOME AFFAIRS (SHRI RAM LAL RAHI): On behalf of Shri S.B. Chavan

I beg to move:

"That in pursuance of sub-section (2) of section 4 of the Official Language Act, 1963, the members of Lok Sabha do proceed to elect, in accordance with the system of proportional representation by means of the single transferable vote, one member from amongst themselves to be a member of the Committee on Official Language vice Shri Sriballav Panigrahi resigned from the Committee.

[English]

MR. DEPUTY SPEAKER: The question is:

"That in pursuance of sub-section (2) of section 4 of the Official Languages Act, 1963, the members of Lok Sabha do proceed to elect, in accordance with the system of proportional representation by means of the single transferable vote, one member from amongst themselves to be a member of the Committee on Official Language vice Shri Sriballav Panigrahi resigned from the Committee."

The motion was adopted.

13.30 hrs.

BUSINESS ADVISORY COMMITTEE

Twelfth Report

THE MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS AND MINISTER OF STATE IN THE MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI RANGARAJAN KUMARAMANGALAM): Sir, I beg to move:

"That this House do agree with the Twelfth Report of the Business Advisory Committee presented to the House on the 11th March, 1992."

SHRI GEORGE FERNANDES (Muzaffarpur): Mr. Deputy Speaker, Sir, I had raised a point of order in this House yesterday evening on which I seek your ruling so that this question should not come up before the House again in this shape. The yesterday's order paper included last two items firstly, discussion on the Budget (Railways) and Secondly, discussion on the Resolution moved by the hon. Minister of Railways. Here, on the basis of this report of the Business Advisory Committee, yesterday the hon. Chairman, who was presiding at that time, had elicited opinion to have a 10 hour discussion in the House on the two items out of three items placed against serial Nos. 1, 2 and 3 in today's report of the Business Advisory Committee. The House had given this opinion that all these four items could be taken up together but there was a controversy over 10 hours. When the matter for discussion came up here and it was said that discussion should start on it, then I raised my point of order and said that the issue which was not on that day's order paper could not be taken up for discussion in the House unless a supplementary List of Business was issued or any decision was assigned at after taking the opinion of the House.

Mr. Deputy Speaker, Sir, the ruling I am seeking from you is related to Rule 31 and Rule 31 reads:-

[English]

(1) A list of business for the day shall be prepared by the Secretary-General and a copy thereof shall be made available for the use of every Member.

(2) Save as otherwise provided in these rules, no business not included in the list of business for the day shall be transacted at any sitting without the permission of the Speaker."

[Translation]

I would like to draw your attention to the decisions taken prior to this point of order and I would like to bring it to your notice that:-

[English]

'Arrangement of Business and List of Business'—page 383 "Practice and Procedure of Parliament" by Kaul and Shakhder says: "The following items of business may, however, be taken up in the House without any entry in the List of Business;"

[Translation]

It has been clearly spelt out as to what issues can be taken up for discussion:

[English]

"Oath or affirmation by a Member returned in a bye-election; obituary reference on the demise of a sitting Member or a former Member or other leading personality; adjournment motion; communication of a message from the President; announcement or ruling by the Speaker, question of privilege; announcement of a communication regarding arrest etc. of a Member; announcement regarding resignation of a Member; and motion regarding the suspension of a rule."

[Translation]

Any issue which has not been included in the List of Business cannot possibly be discussed in the House. I remember this issue has been raised many times in the House in some shape or the other. Since 1976 it has been my experience that it has always been decided that any matter which has not been included in the List of Business cannot be taken up for discussion here.

I seek your ruling on this matter because the dignity of this House, the rules of this House, have been violated by the Government and this should not be done.

The House should not be taken for granted; no matter whosever has to conduct the sitting of the House, that we can raise any issue at any time for discussion. The question of zero hour is some what different, as you have just now mentioned, or there may be some vital issue which may be

raised by agitated Members in the House. But there was nothing like zero hour discussion, nor was there any such subject or issue as required a discussion wherein the hon. Minister would express some anger or agitation. Had this issue been included in yesterday's List of Business, I could have brought all the relevant documents in the House yesterday itself. This item was not included in yesterday's List of Business, so I did not bring my documents. Yesterday, I had to speak on the Railway Budget. Now, had the discussion on Rail Budget started well in time and I would have been called to speak, I would have expressed myself whatever I had in my mind about the Rail Budget, as any member could do. But it was not mentioned in the List of Business that there would be a discussion on this subject. And now you are saying that it is the decision of the Business Advisory Committee. But the decision of the Business Advisory Committee can't be thrust upon us as you are doing now. List of Business includes those items which are to be discussed, so that we may come prepared. Mr. Speaker, Sir, it is not possible to discuss any matter without prior information. Since 1967, as far as I remember that whenever any such occasion arose that the items not mentioned in the List of Business, were to be discussed, the House had always refused to discuss such topics. In this case, I am on a Point of Order. The Government, especially our Parliamentary Affairs Minister who took up this issue very strongly here yesterday, told us that whatever they were saying was completely true. So, there should be no such problem for us in future, and the House should never face such a situation in future. I request that the House should not be put in such a situation when it would have to find time for the issues not mentioned in the List. I want your ruling on this issue.

[English]

SHRI E. AHMED (Manjeri): Mr. Deputy Speaker, Sir, in the 12th Report of the Business Advisory Committee, on page 3, it is mentioned as follows:

"The Committee also recommend that

discussion on item nos. (4) to (19) may be taken up 17th March, 1992 and continue on 18th and 20th March, 1992. The House may sit late on 17th and 18th March, 1992, if necessary."

This is the month of Ramzan, month of fasting and the Muslim Members will find it very difficult to sit late. So, in utter disregard to the sentiments of the other Members, the Committee has taken this decision. I just want this to go on record as my dissatisfaction.

SHRI BASU DEB ACHARIA (Bankura): Sir, 10 hours have been allotted for discussion on all these items. This is not sufficient and at least 15 hours should be allotted.

SHRI GEORGE FERNANDES: They have said 10 hours for all these four items, but we want 15 hours.

SHRI RANGARAJAN KUMARANGALAM: Mr. Deputy Speaker, Sir, the hon. Member has quoted Rule 31 and also the List of Business. It is true that when it is not in the List of Business, it would not be transacted unless the Speaker has given permission. But in this instant case, what happened yesterday was that the BAC had met before and had taken the decision. The report that is before the House today was laid on the Table of the House and thereafter the Chairman had actually read out his decision. There was some controversy over the time allotted for discussion. But on the rest everybody said 'Yes'. The Chairman had specifically read out these four items and said that these would be taken up together if the House agrees. The House agreed. After the House agreed, if I may kindly submit, this issue was raised again. At that stage, we said that you should have objected at the time when the Chair was pointing out the BAC's decision. The Members still insisted and thereafter it was very close to Six o'clock and we adjourned. Of course, today it is in the List of Business. I think the question is a little academic, but at the same time, it is important for us all to realise that the BAC must have some meaning.

In the Business Advisory Committee where almost all the Parties are represented, we come to a decision among all of us and give a report. It is expected that that would be adopted by the House except of course where certain Members really feel very strongly.

Let me inform the hon. Members that with regard to 10 hours or 15 hours, there is nothing called cardinal inflexible rule that 10 hours shall be only 10 hours and not one minute or one second more like that. The number of hours is only for time. We have a problem which the BAC has addressed in full. We have the problem of finishing seven ordinances as well the General Budget and the Vote of Accounts by the 27th of this month. So we tried our best to adjust the time.

I am sure, the Chair will and so the House will appreciate that with regard to Railway Budget, all Members want a little more time. I think, there should be no problem in our trying to adjust that. I would request that the timing is not really very relevant if they really wish to have a little some more time, as we move along, we can find the time. There is nothing hard and fast about it. With regard to the question whether four items should have been taken up yesterday or not, it is academic. But still it is necessary to say, if the Chair's proposal was not accepted by the House, then what my hon. Members say that all the four should be taken up together.

SHRI HARIN PATHAK (Ahmedabad): When the four items would be discussed together, what were those four items. In the list, there were only two items.

SHRI P.R. KUMARAMANGALAM: I have the proceedings with me. (*Interruptions*)

SHRI V. DHANAJAYA KUMAR (Mangalore): Could the Business Advisory Committee take a decision inadvertent to the rules? It is said that this House cannot transact any other business which is not included in the agenda. Can the BAC take a

decision inadvertent to the rules?

MR. P.R. KUMARAMANGALAM: We are getting into the technicality. But it is necessary that we understand first that the Speaker is the Chairman of the BAC. The Speaker does have the power to permit other business to be transacted. Here, we have gone even further not just the Speaker in his individual capacity as the Speaker of the House, but the House itself accepts specifically that these four items—(i) General Discussion on the Railway Budget for 1992-93; (ii) Discussion on the Resolution regarding recommendations of the RCC; (iii) Discussion and Voting on Demands for Grants for Railways, 1992-93; and (iv) Discussion and Voting for Supplementary Demands for Grants for Railways, 1991-92. The Chair has been very categorical, naming all the four items of business and said:

"The BAC has recommended that these four items be taken together and I hope the House agrees." The House has agreed. The only disagreement was on the time. After the House agrees, I think, the House is supreme. When the Speaker as Chairman of BAC is part of the BAC decision. The House had accepted the decision of the BAC. To raise a hue and cry now, I think, is little unfair.

However, I think, it is necessary in future, when the Chair does give proposal before the House, all of us should pay careful attention. If the hon. Member at that time directly raises and says, "Because these two items are not listed that should not be taken up, we could have at that time taken it seriously. But once you have said "Yes", it is not fair at this stage to say, "No, it is not in the list of business." It does not need to be in the list of business when the House itself accepts that we are willing to take all the four items together. (*Interruptions*) You say, No. In fact, that has been very specifically brought up.

It was brought up. It is there in the proceeding. And that is the only matter. However, I do think that we should take note of it in future in the BAC. It is my personal